

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Lance Phillip Wickner,

Civil No. 09-1220 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Mary McComb, Mike Green, William Braun,
and Natalie Leseman, all sued in their
individual capacities,

Defendants.

Lance Phillip Wickner, *Pro Se*, Plaintiff.

Jackson Evans, Esq., and Margaret E. Jacot, Assistant Attorney General, Minnesota
Attorney General's Office, counsel for Defendants.

This matter is before the Court upon Plaintiff Lance Phillip Wickner's ("Plaintiff") objections to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated July 27, 2010, insofar as it recommends that: (1) Defendants' Motion for Summary Judgment be granted; (2) Plaintiff's Motion for the Appointment of Counsel be denied; (3) Plaintiff's Motion for Summary Judgment be denied; and (4) this action be dismissed with prejudice. Defendants Mary McComb, Mike Green, William Braun, and Natalie Leseman filed a Response to Plaintiff's Objections (Doc. No. 46) on August 20, 2010.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local

Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Lance Phillip Wickner's objections (Doc. No. [45]) to Magistrate Judge Jeffrey J. Keyes's Report and Recommendation dated July 27, 2010, are **DENIED**.

2. Magistrate Judge Jeffrey J. Keyes's Judge Report and Recommendation dated July 27, 2010 (Doc. No. [44]), is **ADOPTED**.

3. Defendants' Motion for Summary Judgment (Doc. No. [22]), is **GRANTED**.

4. Plaintiff's Motion for the Appointment of Counsel (Doc. No. [30]), is **DENIED**.

5. Plaintiff's Motion for Summary Judgment (Doc. No. [31]) is **DENIED**.

6. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 23, 2010

s/Donvovan W. Frank
DONOVAN W. FRANK
United States District Judge